

ASSEMBLY BILL

No. 1453

Introduced by Assembly Member Quirk-Silva

January 9, 2014

An act to add Chapter 9.5 (commencing with Section 1410) to Division 6 of the Military and Veterans Code, relating to veterans, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1453, as introduced, Quirk-Silva. Southern California Veterans Cemetery.

The Department of Veterans Affairs is created in state government and the Secretary of Veterans Affairs is the head of the department. Under existing law, the Department of Veterans Affairs, in voluntary cooperation with the Shasta County Board of Supervisors and the boards of supervisors of specified northern California counties, is required to design, develop, and construct a state-owned and state-operated Northern California Veterans Cemetery.

This bill would require the department, in voluntary cooperation with the Orange County Board of Supervisors and city councils of other participating southern California cities, to design, develop, and construct a state-owned and state-operated Southern California Veterans Cemetery. The bill would make all honorably discharged veterans and their spouses and children eligible for interment in the cemetery. The bill would impose a fee of \$_____ for each spouse or child interred in the cemetery.

The bill would create the Southern California Veterans Cemetery Master Development Fund, a continuously appropriated fund, and would require all moneys received for the design, development, and

construction of the cemetery to be deposited in this fund. By creating a continuously appropriated fund, the bill would make an appropriation. The bill would also create the Southern California Veterans Cemetery Perpetual Maintenance Fund and would direct all moneys received for the maintenance of the cemetery, including those moneys received for the interment of a spouse or child.

The bill would make proposals for the construction, placement, or donation of monuments and memorials to the cemetery subject to review by a specified advisory committee and subject to final approval by the Secretary.

The bill would authorize the cemetery administrator to accept donations of personal property to be used for the maintenance or beautification of the cemetery. The bill would require cash donations to be deposited into the Northern California Veterans Cemetery Donations Fund, a continuously appropriated fund created by this bill, and would require the cash donations to be expended for the maintenance and repair of the facility, as specified. By creating a continuously appropriated fund, the bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 9.5 (commencing with Section 1410) is
2 added to Division 6 of the Military and Veterans Code, to read:

3
4 CHAPTER 9.5. SOUTHERN CALIFORNIA VETERANS CEMETERY
5

6 1410. (a) (1) The department, in voluntary cooperation with
7 the Orange County Board of Supervisors and the city councils of
8 other participating southern California cities as specified in Section
9 1412, shall design, develop, and construct a state-owned and
10 state-operated Southern California Veterans Cemetery, which shall
11 be located in Orange County, California.

12 (2) The department shall oversee and coordinate the design,
13 development, and construction of the cemetery.

14 (3) For purposes of this chapter, “department” means the
15 Department of Veterans Affairs.

16 (b) (1) All honorably discharged veterans and their spouses
17 and children are eligible for internment in the cemetery. A fee of

1 ____ dollars (\$____) shall be charged for each spouse or child
2 interred in the cemetery. This fee shall not exceed the reasonable
3 costs to the department for internment in the cemetery.

4 (2) For the purposes of this subdivision, the department shall
5 adopt regulations to specify the eligibility requirements for
6 interment in the cemetery. These regulations shall be adopted
7 pursuant to the Administrative Procedure Act (Chapter 3.5
8 (commencing with Section 11340) of Part 1 of Division 3 of Title
9 2 of the Government Code).

10 (3) All fees received pursuant to paragraph (1) shall be deposited
11 in the Southern California Veterans Cemetery Perpetual
12 Maintenance Fund created pursuant to Section 1412.

13 1412. (a) For the purposes of Section 1410, the Orange County
14 Board of Supervisors may join with the city councils of cities
15 within Orange County wishing to participate in the design,
16 development, and construction of the cemetery.

17 (b) All moneys received for the design, development, and
18 construction of the cemetery shall be deposited in the Southern
19 California Veterans Cemetery Master Development Fund, which
20 is hereby created in the State Treasury. Notwithstanding Section
21 13340 of the Government Code, money in the fund is continuously
22 appropriated to the department for the purpose of designing,
23 developing, constructing, and equipping the cemetery. Moneys
24 appropriated by the Legislature for these purposes shall also be
25 deposited in the fund.

26 (c) (1) All moneys received for the maintenance of the
27 cemetery, including moneys received pursuant to subdivision (b)
28 of Section 1410, shall be deposited in the Southern California
29 Veterans Cemetery Perpetual Maintenance Fund, which is hereby
30 created in the State Treasury. Any state funding for the annual
31 maintenance of the cemetery shall be appropriated by the
32 Legislature in the annual Budget Act.

33 (2) It is estimated that, after the construction of the cemetery,
34 ____ dollars (\$____) should be appropriated annually by the
35 Legislature in the annual Budget Act or the participating southern
36 California counties, or both, to the department for the operating
37 costs of the cemetery.

38 (3) Total expenditures for operations and maintenance should
39 not be more than ____ dollars (\$____) per fiscal year, as
40 appropriated in the annual Budget Act.

1 1414. (a) Proposals for the construction, placement, or donation
2 of monuments and memorials to the cemetery shall be subject to
3 review by an advisory committee comprised of the cemetery
4 administrator, representatives from Orange County, local veterans'
5 service organizations, and others as approved by the secretary.

6 (b) All proposals for the construction, placement, or donation
7 of monuments and memorials to the cemetery shall be subject to
8 the final approval of the secretary.

9 (c) The department shall adopt regulations for the policies and
10 procedures to be followed with respect to the design, placement,
11 and approval of monuments and memorials proposed to be placed
12 on the cemetery grounds. These regulations shall be adopted
13 pursuant to the Administrative Procedure Act (Chapter 3.5
14 (commencing with Section 11340) of Part 1 of Division 3 of Title
15 2 of the Government Code).

16 1416. (a) Notwithstanding Section 11005 of the Government
17 Code, the cemetery administrator, subject to the approval of the
18 secretary, may accept donations of personal property, including
19 cash or other gifts, to be used for the maintenance or beautification
20 of the cemetery.

21 (b) Cash donations made pursuant to subdivision (a) shall be
22 deposited into the Northern California Veterans Cemetery
23 Donations Fund, which is hereby created. Notwithstanding Section
24 13340 of the Government Code, money in the fund is continuously
25 appropriated to the department for the maintenance and repair of
26 the facility or, subject to the approval of the secretary, for a
27 specified cemetery maintenance or beautification project designated
28 by the donor.